

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THOMAS DOWDY,

Plaintiff,

Case No. 04-CV-71548

vs.

HON. GEORGE CARAM STEEH

MICHAEL SODERGREN and
WILLIAM GREEN,

Defendants.

_____ /

ORDER OF DISMISSAL WITHOUT PREJUDICE

This case, brought *in pro per* by prisoner Thomas Dowdy, is again before this court following the Sixth Circuit's review of the court's entry of judgment for defendants. The Sixth Circuit has ruled by its case of Jones Bey v. Johnson, 407 F.3d 801, 805-06 (6th Cir. 2005), issued while this case was pending before the Sixth Circuit on direct review, that dismissal of a complaint *without prejudice* is mandated when a prisoner fails to exhaust available administrative remedies as to each and every claim for relief before filing suit in this court. Dowdy v. Sodergren, et al., No. 05-1233, slip op. at 2 (6th Cir. Nov. 22, 2005).

The Sixth Circuit has therefore reversed this court's earlier judgment and remanded the case for proceedings consistent with Jones Bey. The mandate was

issued November 29, 2005. Accordingly, plaintiff's complaint is hereby DISMISSED WITHOUT PREJUDICE.

IT IS SO ORDERED.

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

Dated: December 19, 2005

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record on December 19, 2005, by electronic and/or ordinary mail.

S/Josephine Chaffee
Secretary/Deputy Clerk